

SEALED**UNITED STATES DISTRICT COURT**

for the

District of Nebraska

**FILED
US DISTRICT COURT
DISTRICT OF NEBRASKA****MAR 28 2014****OFFICE OF THE CLERK**

United States of America

v.

Case No.

8:14MJ74

Jose L. Castillo-Mendez

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 20, 2014 in the county of Douglas in the
District of Nebraska, the defendant(s) violated:

Code Section

Title 18, U.S.C. § 111(a)(1),

Offense Description

On or about March 20, 2014, in the District of Nebraska, the defendant, Jose L. Castillo-Mendez, did knowingly and intentionally forcibly assault, resist, oppose, impede, intimidate, and interfere with officers and employees of the United States, that is, Tauria Rich and Robert Green, agents with U.S. Immigration and Customs Enforcement, while they were engaged in and on account of the performance of their official duties.

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.
Complainant's signature

SA John D. Hallock

Printed name and title

Sworn to before me and signed in my presence.

Date:

3/28/14City and state: Omaha, Nebraska
Judge's signature

F.A. Gossett, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

DISTRICT OF NEBRASKA)
) ss. Affidavit of SA John D. Hallock
COUNTY OF DOUGLAS)

I, John D. Hallock, after being duly sworn on oath, do depose and state as follows:

1. I am a Special Agent (SA) of the Federal Bureau of Investigation and have been so employed for approximately eleven and a half years. I am currently assigned to the Omaha, Nebraska Division of the FBI, where I investigate violations of federal law, to include Assault of a Federal Officer, in violation of Title 18, United States Code, Section 111(a)(1).

2. This affidavit is in support of a criminal complaint and arrest warrant for JOSE L. CASTILLO-MENDEZ, an El Salvadorian Male, born in 1980. Since this Affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not set forth each and every fact known to me regarding this investigation. The statements contained in this affidavit are based in part on the investigation that I have conducted and information provided to me by other law enforcement officers verbally, and through written reports.

3. On March 21, 2014, I was assigned to investigate the assault of Tauria L. Rich and Rob Green, both currently employed as Deportation Officers with the United States Immigration Customs and Enforcement (USICE), located at 1717 Avenue H, Omaha, Nebraska. On March 21, 2014, I made contact with Deportation Officer Rich at her place of employment, where I interviewed her in reference the March 20, 2014 assault. On March 21, 2014, Officer Rich and Officer Green provided me with typed reports in reference to the March 20, 2014 assault, which I have reviewed in length.

4. On March 20, 2014, Officer Rich reported that she received an e-mail on March 19, 2014 from the Office of Chief Counsel (OCC) Attorney Anna Speas in reference to a case that Officer Rich had been tracking. Officer Rich reported that she had been looking for JOSE L. CASTILLO-MENDEZ (hereinafter referred to as MENDEZ), as MENDEZ is an Aggravated Felon, and that the USICE was attempting to serve MENDEZ administrative removal paperwork. Officer Rich reported that MENDEZ was last known to be residing in Worthington, Minnesota, and that in January 2014, Officer Rich had referred the case matter to the USICE Office located in Sioux Falls, South Dakota. The e-mail from Attorney Speas advised Officer Rich that MENDEZ was scheduled for court on March 20, 2014 at the USICE Office in Omaha, Nebraska. Attorney Speas advised Officer Rich that due to MENDEZ'S criminal convictions, MENDEZ was no longer eligible for a hearing with an immigration judge. Officer Rich reported that MENDEZ had been convicted of an aggravated felony and was subject to mandatory detention. Officer Rich reported that Attorney Speas notified Officer Rich of the court time for MENDEZ at the USICE Office in Omaha, Nebraska on March 20, 2014. Officer Rich reported that at approximately 8:30 a.m., she requested that Deportation Officer Rob Green assist Officer Rich with the arrest of MENDEZ. Officer Rich reported that she and Officer Green walked over to the non-detained courtrooms in the Department of Homeland Security (DHS) building located at the USICE Office in order to locate MENDEZ.

5. Officer Rich reported that upon Officer Rich's and Officer Green's arrival to the non-detained courtroom waiting area, they were able to positively identify MENDEZ along with the assistance of the on duty Federal Protective Service (FPS) Officer. Officer Rich reported that they approached MENDEZ and Officer Rich asked MENDEZ to tell them his name. Officer Rich reported that MENDEZ told them his name, and subsequently showed them his court

papers. Officer Rich reported that she asked MENDEZ in the Spanish language how long he had been in the United States, where he responded “about six years.” Officer Rich reported that she responded in the English language by saying “You speak English then?” in where MENDEZ responded “Yes, a little bit.”

6. Officer Rich reported that for officer safety and public safety, Officer Rich and Officer Green motioned for MENDEZ to come with them and led him into a hallway off of the waiting room. Officer Rich reported that she identified herself to MENDEZ as an immigration officer by displaying her credentials and badge, and explained to MENDEZ that he would not be going to court. Officer Rich explained to MENDEZ that he was being taken into custody and would be able to contact his attorney afterward.

7. Officer Rich reported that MENDEZ was asked to remove his hat and jacket, and turn around and place his hands on the wall. Officer Rich reported that MENDEZ was compliant with all of the commands given to him. Officer Rich reported that the commands were given in the English language only, which indicated to Officer Rich that MENDEZ understood the English language.

8. Officer Rich reported that once MENDEZ was facing the wall with his hands up, as per USICE Policy, Officer Rich attempted to place restraints on MENDEZ in order to transport him to the detention area. Officer Rich reported that MENDEZ initially attempted to flee, but was restrained by Officer Green. Officer Rich reported that MENDEZ became aggressive, non-compliant, and combative, while Officer Green went behind MENDEZ and attempted to gain control of MENDEZ’S arms. Officer Rich reported that MENDEZ continued to fight, and leaned forward toward her right side toward her service weapon. Officer Rich reported that MENDEZ lunged toward the right side of Officer Rich again while Officer Green was trying to

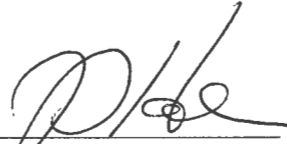
hold onto MENDEZ'S arms. Officer Rich reported that she told Officer Green "I'm trying to keep him from grabbing my gun."

9. Officer Rich reported that she was able to grab MENDEZ'S left wrist and place it in a restraint. Officer Rich reported that MENDEZ then bit Officer Green on his forearm and attempted to bite Officer Green on his hand. Officer Rich instructed MENDEZ to quit biting and to quit resisting. Officer Rich reported that Detention Officer Michael Becker came to assist, and Officer Becker took control of MENDEZ'S right arm and head, and all officers who were on the scene were able to take MENDEZ to the ground, as he was still being combative. Officer Rich reported that as she attempted to place MENDEZ'S other wrist in a restraint, MENDEZ bit Officer Rich on the lower left inner thigh on two separate occasions. Officer Rich reported that more detention officers arrived on the scene, and MENDEZ was subsequently taken into custody and transported to the USICE Detention Facility without further incident.

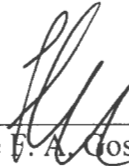
10. On March 26, 2014, I reviewed digital photographs which depict the injuries received by Officer Rich and Officer Green on March 20, 2014. The photographs depict the following:

- i. One (1) photograph depicting the lower left inner thigh of Officer Rich, which shows redness in the area where she was bitten by MENDEZ;
- ii. One (1) photograph depicting the left pinky toe of Officer Rich, which is red and swollen as a result of the altercation with MENDEZ;
- iii. Two (2) photographs depicting the upper and lower back of Officer Green, which shows numerous abrasions and lacerations as a result of the altercation with MENDEZ;
- iv. Three (3) photographs depicting the left hand of Officer Green, which shows bleeding on his left hand between his middle finger and ring finger as a result of the altercation with MENDEZ.

11. Based upon the above facts and circumstances, I believe sufficient probable cause exists to authorize a criminal complaint and arrest warrant for JOSE L. CASTILLO-MENDEZ regarding the violation of Assault of a Federal Officer, in violation of Title 18, United States Code, Section 111(a)(1).



SA John D. Hallock
Federal Bureau of Investigation



Honorable F. A. Gossett
United States Magistrate Judge
District of Nebraska
Omaha, NE.



Sworn and subscribed before me
this 28 day of March, 2014.